MC 1396/2007

BEFORE

THE HON’BLE MR JUSTICE A P SUBBA

Heard Mr HRA Choudhury, learned Senior counsel for the petitioner. Also heard Mr M R Pathak, learned counsel for respondent Nos 1 & 2 and Mr S H Rahman learned counsel for respondent No 5.

In the course of hearing the learned counsel for the petitioner referred to Para 6 & 7 of the affidavit filed by respondent No 2 and submitted that as per the statements made therein a dispute relating to seniority between the petitioner and the respondent No 5 has now arisen and the same requires to be referred to the, Education Department of the State Government under Rule 24 (2), Sub Clause VIII of the Assam Secondary Education (Provincialised) Service Rules, 2003 for necessary decision.

The learned counsel for the petitioner further submits that the matter may be referred to the concerned Department duly fixing reasonable period of time. The prayer is not opposed by the learned Standing counsel for respondent Nos 1 & 2.

Records show that the representation dated 28.7.2006 addressed to respondent No 1 is still pending.

In view of the above, the matter relating to seniority of the petitioner and the respondent No 5 is referred to the Commissioner and Secretary, Secondary Education Department, Government of Assam for consideration. The concerned Department shall dispose of the representation by giving due opportunity to the concerned parties and dispose of the matter within a period of three months from the date of receipt of this order.

With the above directions this writ petition stands disposed of. It is however made clear that it shall remain open for the petitioner to approach the Court if so advised after the matter is disposed of by the concerned authority.